

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)

COMPLAINT C2011-044)

State Ethics Commission,)

Complainant;)

vs.)

Antonio Williams,)

Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
COMMISSION

2011 AUG 15 PM 2:55

RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on December 20, 2011. On March 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Antonio Williams, with a violation of Section 8-13-1308(D), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on July 20, 2011 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and Richard H. Fitzgerald. Respondent was not present, but was duly notice. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE

**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Antonio Williams, a candidate for Columbia City Council, on or about June 28, 2010, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

STATEMENT OF FACTS

1. The Respondent, Antonio Williams, was a candidate for Columbia City Council in an election held on July 13, 2010.
2. Investigator Choate testified that Respondent was reminded of filing requirement by letters dated October 11, 2010 and November 18, 2010. Because of no compliance by the Respondent, on 12/1/10 a penalty of \$10.00 a day for 10 days began. On 12/11/10 a penalty of \$100.00 a day began until compliance.
3. Investigator Choate spoke to Respondent on January 6, 2011 by telephone. Respondent stated that he had received all of the documentation pertaining to this complaint. He further stated that when he had time he would comply, if not he would just appeal the penalty at some point. The investigator instructed Respondent that the penalty would continue until compliance.
4. Respondent has not complied. The accrued late-filing penalty is \$5,000.00 and remains unpaid.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Antonio Williams, was a candidate as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1308(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee

must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

5. Section 8-13-320(10)(l)

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Antonio Williams is in violation of Section 8-13-1308(D); and therefore, Respondent Antonio Williams is hereby PUBLICLY REPRIMANDED and a FINE of \$2000.00 is ASSESSED, in addition to the late-filing penalty of \$5,000.00.

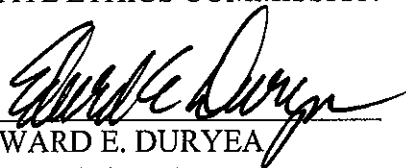
IT IS FURTHER ORDERED, pursuant to Section 8-13-320(14), a Judgment in the amount of \$7,000.00 is, and shall be entered against Respondent.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$7,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Antonio Williams has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 14th DAY OF August, 2011.

STATE ETHICS COMMISSION



EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA